

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

KIMBERLY A. LOCKHART,)	
)	
Petitioner,)	
)	
v.)	Docket No. 2:11-cv-00348-GZS
)	
PHILIP G. SMITH,)	
)	
Respondent.)	
)	

ORDER OF CIVIL CONTEMPT

THIS CAUSE comes before the Court pursuant to Mr. Smith's failure to comply with this Court's Show Cause Order (Docket #5), served on Mr. Smith on September 14, 2011 (the "Show Cause Order"), requiring that Mr. Smith appear at a Show Cause hearing on September 16, 2011 and produce his and Ms. Lockhart's minor children, S.P.S. and G.T.S. (together, the "Children"). This Court finds that Mr. Smith failed to comply with the Show Cause Order by failing to produce S.P.S. and G.T.S. at the hearing. This Court further finds that Mr. Smith's failure to produce the Children is a situation of his own making. This Court further finds that Mr. Smith, a witness at the hearing, refused to answer questions from the Court concerning the present location of the Children. Therefore, this Court holds that Mr. Smith is in contempt of this Court for failure to comply with the Show Cause Order. See 18 U.S.C. §§ 401-402 (granting court contempt power over parties to litigation); 28 U.S.C. § 1826(a) (granting contempt power over any witnesses). Accordingly, this Court hereby FINDS that Mr. Smith is in CONTEMPT OF THIS COURT and ORDERS that the Respondent, Mr. Smith, is hereby REMANDED to the custody of the United States Marshal's Office and the Bureau of Prisons until such time as the Children are produced at the Courthouse and Mr. Smith complies with the Show Cause Order,

such period of detention not to exceed the life of this present action and in no event to exceed eighteen (18) months from this date.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 16th day of September, 2011.